

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JEFFREY FINK,

Plaintiff

V.

SUN LIFE INSURANCE AND ANNUITY
COMPANY OF NEW YORK, SUN LIFE
ASSURANCE COMPANY OF AMERICA,
AND PROSKAUER ROSE LLP LONG
TERM DISABILITY PLAN,

Defendants

CIVIL ACTION NO. 05-10001-RWZ

**MOTION TO DISMISS DEFENDANT
PROSKAUER ROSE LLP LONG TERM DISABILITY PLAN AS A PARTY**

Pursuant to Fed. R. Civ. P. 21, the parties move to dismiss, without prejudice, the Proskauer Rose LLP Long Term Disability Plan (“Plan”) as a Defendant in the above-referenced matter. As grounds for this Motion, the parties state that the Plan is not a proper party to this action.

WHEREFORE, the parties request that this motion be granted.

Respectfully submitted,

The Plaintiff,

Jeffrey Fink

By:

Respectfully submitted,

The Defendants,

Sun Life Insurance and Annuity
Company of New York, Sun Life
Assurance Company of America,

By:

/s/ Mala M. Rafik

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Date: June 15, 2005

/s/ Joan Vorster (MMR)

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